

FIRST REGULAR SESSION

SENATE BILL NO. 85

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Pre-filed December 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

0422S.011

AN ACT

To repeal sections 160.534 and 164.303, RSMo, and to enact in lieu thereof three new sections relating to gambling moneys for schools.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 160.534 and 164.303, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 160.534, 163.201, and 164.303, to read as follows:

160.534. [For fiscal year 1996 and each subsequent fiscal year,]

1. Except as provided in subsection 2 of this section, any amount of the excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the amount transferred to the school district bond fund as provided in section 164.303, RSMo, shall be transferred to the state school moneys fund. Such moneys shall be transferred on a monthly basis and shall be distributed in the manner provided in section 163.031, RSMo.

2. The moneys transferred pursuant to this section shall be transferred on a monthly basis as follows:

(1) For fiscal year 2007, twenty percent to the classroom trust fund created pursuant to section 163.201, RSMo, and eighty percent to the state school moneys fund;

(2) For fiscal year 2008, forty percent to the classroom trust fund and sixty percent to the state school moneys fund;

(3) For fiscal year 2009, sixty percent to the classroom trust fund and forty percent to the state school moneys fund;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

(4) For fiscal year 2010, eighty percent to the classroom trust fund and twenty percent to the state school moneys fund; and

(5) For fiscal year 2011 and subsequent years, one hundred percent to the classroom trust fund.

3. The amount transferred pursuant to subsection 2 of this section to the classroom trust fund shall be replaced in the state school moneys fund from general revenue. The inclusion of appropriate transfer language in the education appropriations bill shall be a condition to any transfers to the classroom trust fund.

4. The provisions of this section relating to transfers to the classroom trust fund shall not be implemented for any fiscal year in which the chairs of the house budget committee and senate appropriations committee determine that the appropriation for the school funding formula contained in subsection 6 of section 163.031, RSMo, is insufficient to provide a proration factor on lines 1a and 1b of 1.0. For fiscal year 2007 and subsequent years during which the moneys originating from the gaming proceeds for education fund are being transferred to the classroom trust fund at less than one hundred percent of the total, in the fiscal year immediately following any fiscal year in which the transfers were suspended, the transfers shall be resumed, upon determination of the requisite proration level pursuant to this subsection, at the percentage level specified for the year in which the transfers were suspended. If the transfers are suspended for two consecutive years or more, when transfers resume they shall be at the level specified for the first year in the consecutive years in which the transfers were suspended.

163.201. 1. For fiscal year 2007 and each subsequent fiscal year, the "Classroom Trust Fund", which is hereby created in the state treasury, shall be distributed by the state board of education to each school district on a per pupil basis, using the last completed school year's average daily attendance, as defined in section 163.011, for the district, excluding summer school and out-of-hours remediation. In districts in which charter schools are permitted, each charter school shall receive its disbursement of moneys from the classroom trust fund on the same basis that the district's share is calculated. For districts in which students are participating in a voluntary interdistrict transfer

program, such students shall be counted for attendance in the receiving district which shall receive the classroom trust funds attributable to these students. The moneys distributed pursuant to this section shall be exempt from salary compliance pursuant to section 165.016, RSMo.

2. The moneys may be used by the district for:

(1) Teacher recruitment, retention, salaries or professional development;

(2) School construction, renovation or leasing;

(3) Technology enhancements or textbooks or instructional materials;

(4) School safety; or

(5) Supplying additional funding for required programs, both state and federal.

3. The classroom trust fund shall consist of all moneys transferred to it pursuant to section 160.534, RSMo, all moneys otherwise appropriated or donated to it and, notwithstanding any other provision of law to the contrary, all unclaimed lottery prize money.

164.303. There is hereby established in the state treasury the "School District Bond Fund". Such amounts as may be necessary to fund the annual requests submitted by the health and educational facilities authority to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions, but not to exceed seven million dollars per year, shall be transferred by appropriation to the fund from the gaming proceeds for education fund before any amounts in the gaming proceeds for education fund are transferred [to the state school moneys fund,] as provided in section 160.534, RSMo. Moneys deposited in the school district bond fund shall be used by the health and educational facilities authority, subject to appropriation, to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of each biennium.